

### **REMARKS/ARGUMENTS**

The Office Action of October 18, 2007 has been carefully reviewed and these remarks are responsive thereto. Claims 1, 8, 15, and 23 have been amended. No new matter has been added. Claims 1-24 are pending upon entry of the present amendment. Reconsideration and allowance of the instant application are respectfully requested.

#### ***Rejections Under 35 U.S.C. § 102***

Claims 1-24 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 2006/0010469 to Reynolds et al. ("Reynolds"). Applicant traverses.

Amended independent claim 1 recites, *inter alia*, "determining that the first broadcasted program is selected for at least *a time greater than a predetermined threshold*; and responsive to determining that the first broadcasted program is selected for at least a time greater than the predetermined threshold, displaying the selected content in the background area of the interactive programming guide, wherein the selected content is overlapped by information related to the first broadcasted program." Reynolds fails to teach or suggest the recited features. Instead, Reynolds is directed to a hybrid passive-interactive television program guide with passive content. See Reynolds Title and Abstract. More specifically, Reynolds at paragraph [0008] describes a hybrid passive-interactive television program guide system in which passive electronic television program guide content is integrated with an interactive television program guide. Reynolds, however, is silent with respect to the above noted features. As such, claim 1 is patentably distinguishable over Reynolds for at least these reasons.

Moreover, there would be no reason to modify Reynolds to include the above noted features as recited in claim 1. The purpose of Reynolds is to overcome the limitations of passive television program guides. See Reynolds at paragraph [0003]. More specifically, Reynolds at paragraph [0004] discloses that passive guides require users to wait until a list of program listings scrolls to display listings for the channel or time that the user is interested in, and that users of passive guides have no way of controlling how quickly or how often listings appear, and have no way of immediately viewing listings for particular channels or time slots. Thus, given the above noted disclosures in Reynolds, Applicant submits that a modification of Reynolds to incorporate features related to determining that the first broadcasted program is selected for at

least *a time greater than a predetermined threshold* as recited in claim 1 would be improper since such a modification would clearly frustrate the intended purpose and performance objectives of Reynolds.

Amended independent claims 8, 15, and 23 recite features similar to those described above with respect to claim 1. Claims 8, 15, and 23 are therefore allowable for at least the same reasons discussed above with respect to claim 1.

Claims 2-7, 9-14, 16-22, and 24, which each depend from at least one of independent claims 1, 8, 15, and 23, are allowable for at least the same reasons as their respective base claims, and further in view of the additional advantageous features recited therein.

**CONCLUSION**

All rejections having been addressed, Applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same. Should the Examiner find that a telephonic or personal interview would expedite passage to issue of the present application, the Examiner is encouraged to contact the undersigned attorney at the telephone number indicated below.

If any additional fees are required or if an overpayment has been made the Commissioner is authorized to charge or credit Deposit Account No. 19-0733. Applicant looks forward to passage to issue of the present application at the earliest convenience of the Office.

Respectfully submitted,

BANNER & WITCOFF, LTD.

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By:           /Chunhsi Andy Mu/            
Chunhsi Andy Mu  
Registration No. 58,216

1100 13th Street, N.W.  
Suite 1200  
Washington, D.C. 20005-4051  
Tel: (202) 824-3000  
Fax: (202) 824-3001